

Message Text

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INFO OCT-01 EA-11 IO-14 ISO-00 NSCE-00 CEQ-02 CIAE-00

COA-02 COME-00 DODE-00 EB-11 EPA-04 INR-10 L-03

NSF-04 NSC-07 NSAE-00 PM-07 RSC-01 SCI-06 SS-20 SP-03

FEA-02 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 OIC-04 CG-00 H-03 PA-04 PRS-01 USIA-15

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DRAFTED BY D/LOS:OESKIN:LB

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

USLO PEKING

INFO AMCONSUL HONG KONG

C O N F I D E N T I A L STATE 085375

E.O. 11652:GDS

TAGS: PBOR

SUBJECT: LOS: MEETING WITH PRC REPS

REF:PEKING 548, USUN 1233 , USUN 1284

1. JOHN NORTON MOORE, CHAIRMAN, THE NSC INTERAGENCY TASK FORCE ON THE LAW OF THE SEA AND DEPUTY SPECIAL REP OF THE PRESIDENT FOR LOS CONFERENCE MET WITH MADAME HO HI-LIANG, COUNSELLOR, PRC PERMANENT MISSION TO UN AND TANG HSING-PO, FIRST SECRETARY OF MISSION AT UN APRIL 20 FOR CONSULTATIONS ON LOS. MEETING WAS ARRANGED AT U.S. INITIATIVE. MOORE NOTED THAT US WAS CONSULTING WITH A NUMBER OF COUNTRIES IN LOS NEGOTIATIONS AT THIS TIME AND THAT US AND PRC REPS
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HAD MET DURING UN SEABED COMMITTEE SESSIONS IN NEW YORK

AND GENEVA AND EXPRESSED HOPE THAT US AND PRC DELEGATIONS COULD CONTINUE TO CONSULT TOGETHER.

2. MOORE REVIEWED MAJOR ISSUES IN LOS NEGOTIATIONS AND OUTLINED PRINCIPAL US POLICIES. MOORE PROVIDED COPIES OF US DRAFT TREATY ARTICLES AND POSITION PAPERS. DURING PRESENTATION, MADAME HO INTERRUPTED PRESENTATION TO ASK FOR CLARIFICATION ON SEVERAL QUESTIONS: WHETHER UNIMPEDED PASSAGE IN STRAITS WOULD APPLY TO WARSHIPS AND WHETHER REVENUE SHARING AND FREEDOM OF SCIENTIFIC RESEARCH WOULD APPLY WITHIN ECONOMIC ZONE.

3. MADAME HO GAVE AN OUTLINE OF PRC VIEWS ON SEVERAL ISSUES ALTHOUGH SHE STATED THAT SHE WAS NOT SUFFICIENTLY FAMILIAR WITH CHINESE POSITIONS ON MARINE POLLUTION OR DEEP SEABED ISSUES TO COMMENT IN DETAIL. ON TERRITORIAL SEA, SHE SAID THAT IN PRC VIEW EACH COUNTRY CAN SET LIMIT TO TERRITORIAL SEA ACCORDING TO ITS GEOGRAPHIC, ECONOMIC AND SECURITY CONDITIONS. BREADTH OF TERRITORIAL SEA SHOULD BE REASONABLE. SHE STRESSED THAT PRC CLAIMS 12 MILES AND ASKED WHETHER US COULD ACCEPT 12 MILES. MOORE SAID US COULD ACCEPT 12-MILE LIMIT AS PART OF SATISFACTORY OVERALL COMPREHENSIVE LOS TREATY INCLUDING UNIMPEDED LIMIT OF STRAITS. IN REPLY TO A QUESTION AS TO WHETHER PRC COULD ACCEPT SINGLE TERRITORIAL SEA LIMIT IF AGREED TO AT LOS CONFERENCE, MADAME HO STATED THAT ANY COUNTRY COULD AGREE TO A SINGLE LIMIT AT LOS CONFERENCE BUT WOULD NOT BE OBLIGED TO DO SO.

4. ON STRAITS, MADAME HO STATED PRC BELIEVES INNOCENT PASSAGE REGIME SHOULD APPLY EVEN IN INTERNATIONAL STRAITS. FURTHER, THERE SHOULD BE ADVANCE NOTIFICATION TO COASTAL STATES OF PASSAGE OF WARSHIPS THROUGH STRAITS. PRC INTEREST, SHE SAID, WAS TO MAINTAIN INTERNATIONAL SECURITY AND PEACE. SHE EXPRESSED CONCERN WITH DEPLOYMENT OF WARSHIPS IN AREAS FAR FROM HOME COUNTRIES, SPECIFICALLY MENTIONING MEDITERRANEAN, CHINA SEA AND PACIFIC OCEAN. MOORE STATED THAT US OBJECTIVE WAS CREATION OF CLIMATE FOR INTERNATIONAL PEACE AND SECURITY THROUGH ACHIEVING BALANCED AND STABLE INTERNATIONAL CLIMATE AND THAT U.S. CONFIDENTIAL

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PROPOSALS WERE CAREFULLY DESIGNED TO THIS END. MOORE INDICATED THAT US WAS CONCERNED WITH PASSAGE OF COMMERCIAL SHIPPING AS WELL.

5. MADAME HO CONCLUDED DISCUSSION OF STRAITS WITH REMARK THAT US AND PRC VIEWS ON PASSAGE OF WARSHIPS DIFFER -- PRC CONSIDERS THAT WARSHIPS OF ONE NATION SHOULD NOT BE PERMITTED TO APPROACH CLOSE TO THE SHORE'S OF ANOTHER

COUNTRY WITHOUT THE LATTER'S CONSENT.

6. MADAME HO SAID THAT PRC SUPPORTS ESTABLISHMENT OF ECONOMIC ZONE BEYOND THE TERRITORIAL SEA FOR A MAXIMUM DISTANCE OF 200 MILES EXCEPT POSSIBLY FOR CONTINENTAL SHELF. WITHIN ZONE THERE SHOULD BE NO DISTINCTION BETWEEN JURISDICTION OVER LIVING AND NON-LIVING RESOURCES AND THERE SHOULD BE NO EXPLOITATION OF RESOURCE WITHIN ZONE WITHOUT CONSENT OF COASTAL STATE. SHE STRESSED THAT COASTAL STATES SHOULD HAVE EXCLUSIVE AND NOT PREFERENTIAL RIGHTS. IN PRC VIEW THERE WOULD BE FREEDOM OF NAVIGATION

AND OVERFLIGHT IN ECONOMIC ZONE. IN RESPONSE TO QUESTION, MADAME HO STATED PRC HAD NOT MADE FINAL DECISION ON OUTER LIMIT OF ECONOMIC ZONE BUT ACKNOWLEDGED THAT CONTINENTAL SHELF MIGHT BE TREATED DIFFERENTLY THAN WATER COLUMN. MADAME HO ASKED WHETHER US WOULD ACCEPT EXCLUSIVE ZONE. MOORE SAID US CONCERNED WITH ASSURING CONSERVATION, FULL UTILIZATION OF LIVING RESOURCES AND APPROPRIATE TREATMENT FOR ANADROMOUS AND TUNA STOCKS AS WELL AS APPLICATION OF INTERNATIONAL STANDARDS TO COASTAL SEABED ECONOMIC AREAS.

7. IN PRC VIEW, LAND-LOCKED STATES SHOULD HAVE SHARE IN ECONOMIC ZONE RESOURCES ON BASIS OF BILATERAL OR REGIONAL ARRANGEMENTS.

8. MADAME HO EMPHASIZED THAT SCIENTIFIC RESEARCH IN ZONE SHOULD BE CARRIED OUT ONLY WITH CONSENT OF COASTAL STATE. MOORE NOTED US FLAG STATE APPROACH AND INDICATED IMPORTANCE FOR ALL MANKIND OF PROTECTING FREEDOM OF SCIENTIFIC RESEARCH.

9. ON DISPUTE SETTLEMENT, MADAME HO NOTED THAT PRC OPPOSES
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COMPULSORY JURISDICTION OF ICJ BUT HAS NOT YET ADDRESSED QUESTION OF APPLICATION OF COMPULSORY DISPUTE SETTLEMENT PROCEDURES TO MARINE ISSUES.

10. HO AND TANG ASKED ABOUT PENDING LEGISLATION IN US CONGRESS ON 200-MILE FISHING ZONE AND ON DEEP SEA MINING.

11. IN PARTING, MADAME HO EXPRESSED APPRECIATION FOR OPPORTUNITY TO REVIEW LOS ISSUES WITH US REPS AND HOPED THAT PRC AND US REPS WOULD CONSULT AT CARACAS CONFERENCE.

12. COMMENT: EXCHANGE WAS FRIENDLY AND USEFUL. NO SHIFTS IN PRC VIEWS WERE INDICATED AND PRC REPS DID NOT CONCEDE ANY ISSUES. HO AND TANG, WHILE NOT FAMILIAR WITH ALL DETAILS OF LOS NEGOTIATIONS DID SHOW UNDERSTANDING OF

MAIN ISSUES. HO AND TANG SEEMED TO WELCOME OPPORTUNITY
TO REVIEW US AND PRC POSITIONS. KISSINGER

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